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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/537,835 | 03/29/2000 | Paul Andrew Miller | 1322/2 | 6981 |
| 25297 | 7590 | 06/04/2004 | EXAMINER | |
| JENKINS & WILSON, PA 3100 TOWER BLVD SUITE 1400 DURHAM, NC 27707 | | | TRAN, THIEN D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2665 | 20 |

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/537,835 | MILLER ET AL. | |
| | Examiner | Art Unit | |
| | Thien D Tran | 2665 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03/16/2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-112 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-112 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 15, 16, 17, 18.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-112 are rejected under 35 U.S.C. 102(e) as being participated by Mijares et al (U.S Patent No. 6,683,881 B1).

Regarding claims 1, 34, 37, 57, 81, 82, 86, 88, Mijares discloses an intelligent service network node (element for providing service control point) or gateway 14 (FEP) service and routing data packets through a communications network, figure 1, the network element comprising:

a first communication module MTP 13 capable of transmitting data packets to and receiving data packets from a first communications network, which is SS7 protocol, col.4 lines 36-45;

a second communication module IP 19 capable of transmitting data packets to and receiving data packets from a second communications network, col.4 lines 36-45;

a protocol converting process for message discrimination (packet discrimination process) for determining whether a data is packet received from one of the first and

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second communications networks is intended for an database node that is provisioned to receive message from the gateway (front end processing), col.7 lines 25-60;

a database (DAC) database containing information related to SCP or database nodes that are provisioned to receive gateway service, col.6 lines 45-50; and

a DAC process for querying the database and modifying the received packet to include information returned by the database, wherein the network element is adapted to provide gateway service for a plurality of SCP or database nodes being separate from the network element (eliminate the need for the SCP or database to have individual processors), col.10 lines 50-60.

Regarding claims 2, 33, 39, 59, 62, 84, 90, 106, 107 Mijares discloses that the received data packet is a signaling system 7 (SS7) signaling message. See col.12 line 53.

Regarding claims 3, 40, 60, 91 Mijares discloses that the SS7 signaling message is a transaction capabilities application part (TCAP or TCAP MSU) message-signaling unit. See col.11 line 47.

Regarding claims 4, 41, 61, 92, 103, 104 Mijares discloses that the TCAP MSU contains a database query message. See col.7 lines 55-60.

Regarding claims 5, 8, 42, 93 Mijares discloses the first communications network is an SS7 network. See col.6 line 61.

Regarding claims 6, 7, 9, 43, 63, 85, 94-96 Mijares discloses that the second communications is network Internet protocol network. See col.10 lines 25-30.

Regarding claims 10-14, 44-46, 51, 64-68, 97-99 Mijares discloses that the database includes a plurality of records and each database record includes services for users (service type identification information) associated with an SCP or database node. See col.6 lines 1-10.

Regarding claims 15, 100, 101 Mijares discloses that the service type identification information identifies an advanced intelligent network service. See col.8 lines 60-67.

Regarding claims 16, 35, 49, 70, 87, 102, 108 Mijares discloses that the service type identification information is a translation type value. See col.8 lines 25-40.

Regarding claims 17, 36, 38, 47, 48, 58, 69 Mijares discloses that the service type identification information is a subsystem number SSN. See col.9 lines 10-20.

Regarding claims 18, 71 Mijares discloses that the service type identification information identifies a calling name service. See col.8 lines 35-45.

Regarding claims 19, 72 Mijares discloses that the service type identification information identifies a line information database service. See col.col.7 lines 60-67.

Regarding claims 20, 73 Mijares discloses that the service type identification information identifies a toll free number (800) service. See col.8 line 50-53.

Regarding claims 21, 22, 74, 75 Mijares discloses that the service type identification information identifies a presence service. See col.8 lines 35-45.

Regarding claims 23, 76 Mijares discloses that the packet discrimination process resides on the interface module. See col.7 lines 25-30.

Regarding claims 24, 78, 79 Mijares discloses that the database is integral with and contained within the network element. See figure 4.

Regarding claims 25-27 Mijares discloses that the database is located on an external database server communicatively coupled to the network element. See col.9 lines 40-45.

Regarding claims 28-30, 50, 52-56 Mijares discloses that protocol translation process for modifying the received data packet to include predetermined database protocol information. See col.11 lines 30-55.

Regarding claims 31, 32, 80, 83, 89, 105 Mijares discloses the packet discrimination process is adapted to examine a destination network address in the received data packet. See col.9 lines 15-30.

Regarding claims 109-112, Mijares discloses that services provided at the gateway TSP from a signal transfer point. See col.6 lines 45-47 and col.7 line 66.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



STEVEN NGUYEN
PRIMARY EXAMINER